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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 11/27/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/379,167

Applicant(s)
Eisen et al.

Examiner
John Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 19, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Aug 19, 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 21
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Serial Number: 09/379,167

(Eisen et al.)

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REQUEST FOR CONTINUED EXAMINATION (RCE)

1. The request for continued examination (RCE) filed on 08/19/2002 under 37 CFR 1.114 based on parent Application No. 09/379,167 is acceptable and an RCE has been established. An action (paper# 21) on the RCE follows:

DRAWINGS

2. The proposed drawing corrections filed on 6/25/2002 (received with paper#15) have been disapproved because they are not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v).

STATUS OF CLAIMS

3. Claims 1-52 are pending.

CLAIM REJECTIONS — 35 U.S.C. §112 ¶ 2

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Alternate Language Used in Claim Limitations

4. Claims 4, 47, 48 & 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 48 & 51 use alternate language (i.e., “or”) in a manner that renders the claims uncertain and ambiguous with respect to the question of the scope and clarity of the claim; it is not clear which type of information is being claimed (i.e., connection specific information or environment specific information); also, the elements claimed in the alternative do not appear to be equivalents. Appropriate corrections are required. (See MPEP 2173.05(h)).

5. Claims 6, 7, 8, 27, & 9 are rejected under 35 U.S.C. §112 ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention in the instant application.

Claims 6 & 27 at line 2 substantially recites “pages that can be located. . . .” As drafted, said claims merely recite an intended use and does not positively state combinations of elements in cooperation for doing something. The claim language would be better represented as “pages located” Appropriate correction is required.

Claims 7 & 8 respectively at lines 2, substantially recite “the consumer can. . . . purchase or electronically view ” As drafted, said claim merely recites an intended use

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and does not positively state combinations of elements in cooperation for doing something. Said claims would be better represented as “the consumer purchases. . . .” and “the consumer electronically views. . . .”; Appropriate correction is required.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-52 are rejected under 35 U.S.C. §103(a) as being unpatentable over Capiel, US 6,449,634 (09/10/2002) [US f/d: 01/29/1999] (herein referred to as “Capiel”)

As per claim 1, Capiel (col. 12, ll. 53-61; and col. 13, ll. 10-25) discloses: “‘*sensor server program*’ with parameters ‘*E-mail address*’ and ‘*unique mail code*’. . . .” and “*member_id int. . . .*”

Capiel (col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest: “A method for electronically identifying a consumer without requiring consumer registration, the method comprising: embedding a unique identifier within a web site address, the unique identifier uniquely identifying an email recipient; including the web site address in an electronic mail message sent to the email recipient, wherein the web site address provides the email recipient with access to one or more web sites; establishing a connection between a client computer used

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by the email recipient to receive the email and a server computer providing access to the one or more web sites in the electronic mail message; providing the unique identifier to the server computer by way of sending the web site address to the server computer in a request submitted by the client computer to access said one or more web sites, independent from any consumer profile information previously stored on the client computer; parsing the web site address in the request to retrieve the unique identifier embedded in the web site address; identifying the email recipient based on the retrieved unique identifier. . . .”

Capiel (col. 1, ll. 55-60) shows elements that suggest “tracking the email recipient’s movement within the one or more web sites by associating the unique identifier with information that defines consumer activity within said one or more web sites.”

Capiel lacks an explicit recitation of “providing the unique identifier to the server computer by way of sending the web site address to the server computer in a request submitted by the client computer to access said one or more web sites, independent from any consumer profile information previously stored on the client computer; parsing the web site address in the request to retrieve the unique identifier embedded in the web site address; identifying the email recipient based on the retrieved unique identifier. . . .”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Capiel (col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) would have been selected in accordance

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with “providing the unique identifier to the server computer by way of sending the web site address to the server computer in a request submitted by the client computer to access said one or more web sites, independent from any consumer profile information previously stored on the client computer; parsing the web site address in the request to retrieve the unique identifier embedded in the web site address; identifying the email recipient based on the retrieved unique identifier. . . .” because such selection would have provided means *“to identify the audience and tailor the advertising to that audience.”* (See Capiel (col. 1, ll. 22-24)).

As per claim 2, Capiel shows the method of claim 1. (See the rejection of claim 1 supra).

Capiel (col. 1, ll. 55-60) shows elements that suggest “tracking the email recipient’s movement within said one or more web sites. . . .”

Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest “extracting the information that defines consumer activity based on said association to track consumer movement.”

Capiel (col. 12, ll. 9-43) shows elements that suggest “storing in at least one log file the unique identifier in association with the information that defines consumer activity. . . .”; even though,

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Capiel lacks an explicit recitation of “storing in at least one log file the unique identifier in association with the information that defines consumer activity. . . .”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) would have been selected in accordance with “storing in at least one log file the unique identifier in association with the information that defines consumer activity. . . .” because such selection would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 3, Capiel shows the method of claim 1. (See the rejection of claim 1 supra).

Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 3.

Capiel lacks an explicit recitation of “identifying an IP [Internet Protocol] of the client computer, wherein the IP address is automatically logged in correspondence with the information that defines consumer activity; and associating the unique identifier with the IP address. . . .”

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“Official Notice” is taken that both the concept and the advantages of “identifying an IP [Internet Protocol] of the client computer, wherein the IP address is automatically logged in correspondence with the information that defines consumer activity; and associating the unique identifier with the IP address. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 4, Capiel shows the method of claim 1. (See the rejection of claim 1 supra).

Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 4.

Capiel lacks an explicit recitation of the elements and limitations of claim 4.

“Official Notice” is taken that both the concept and the advantages of “identifying connection or environment specific information related to the established connection between the client computer and the one or more web sites, wherein the connection specific information is automatically logged in correspondence with the information that defines consumer activity; and associating the unique identifier with the connection specific information such that information that defines consumer activity can be extracted

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based on the association between the connection specific information and the unique identifier. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 5, Capiel shows the method of claim 1. (See the rejection of claim 1 supra).

Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 5.

Capiel lacks an explicit recitation of the elements and limitations of claim 5.

“Official Notice” is taken that both the concept and the advantages of “wherein the unique identifier identifies a consumer’s electronic mail address. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 6, Capiel shows the method of claim 1. (See the rejection of claim 1 supra).

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Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 6.

Capiel lacks an explicit recitation of the elements and limitations of claim 6.

“Official Notice” is taken that both the concept and the advantages of “wherein the one or more web sites include a plurality of links to other web pages that can be located at a plurality of web servers. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 7, Capiel shows the method of claim 6. (See the rejection of claim 6 supra).

Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 7.

Capiel lacks an explicit recitation of the elements and limitations of claim 7.

“Official Notice” is taken that both the concept and the advantages of “wherein the plurality of links to other web pages includes a link to a web page from where the

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consumer can purchase merchandise. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means *“to identify the audience and tailor the advertising to that audience.”* (See Capiel (col. 1, ll. 22-24)).

As per claim 8, Capiel shows the method of claim 6. (See the rejection of claim 6 supra).

Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 8.

Capiel lacks an explicit recitation of the elements and limitations of claim 8.

“Official Notice” is taken that both the concept and the advantages of “wherein the plurality of links to other web pages includes a link to a web page from where the consumer can electronically view images of merchandise. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means *“to identify the audience and tailor the advertising to that audience.”* (See Capiel (col. 1, ll. 22-24)).

As per claim 9, Capiel shows the method of claim 6. (See the rejection of claim 6 supra).

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Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 9.

Capiel lacks an explicit recitation of the elements and limitations of claim 9.

“Official Notice” is taken that both the concept and the advantages of “wherein the plurality of links to other web pages includes a link to a web page from where the consumer may electronically contact a seller. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 10, Capiel shows the method of claim 1. (See the rejection of claim 1 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 10.

Capiel lacks an explicit recitation of the elements and limitations of claim 10.

“Official Notice” is taken that both the concept and the advantages of “wherein information about the consumer’s movement within the one or more web sites is stored in

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a log file. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means *“to identify the audience and tailor the advertising to that audience.”* (See Capiel (col. 1, ll. 22-24)).

As per claim 11, Capiel shows the method of claim 10. (See the rejection of claim 10 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 11.

Capiel lacks an explicit recitation of the elements and limitations of claim 11.

“Official Notice” is taken that both the concept and the advantages of “wherein the log file includes the addresses of the one or more web sites. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means *“to identify the audience and tailor the advertising to that audience.”* (See Capiel (col. 1, ll. 22-24)).

As per claim 12, Capiel shows the method of claim 10. (See the rejection of claim 10 supra).

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Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 12.

Capiel lacks an explicit recitation of the elements and limitations of claim 12.

“Official Notice” is taken that both the concept and the advantages of “wherein the log file includes information regarding number of times the consumer accesses a particular web site. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 13, Capiel shows the method of claim 10. (See the rejection of claim 10 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 13.

Capiel lacks an explicit recitation of the elements and limitations of claim 13.

“Official Notice” is taken that both the concept and the advantages of “wherein the log file includes information regarding any purchase the consumer makes while visiting

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the one or more web site. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 14, Capiel shows the method of claim 10. (See the rejection of claim 10 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 14.

Capiel lacks an explicit recitation of the elements and limitations of claim 14.

“Official Notice” is taken that both the concept and the advantages of “wherein the log file includes duration of the consumer’s visit to a particular web site. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 15, Capiel shows the method of claim 10. (See the rejection of claim 10 supra).

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Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 15.

Capiel lacks an explicit recitation of the elements and limitations of claim 15.

“Official Notice” is taken that both the concept and the advantages of “developing a consumer master database based upon the log file; querying the master database; and determining consumer preferences. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 16, Capiel shows the method of claim 15. (See the rejection of claim 15 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 16.

Capiel lacks an explicit recitation of the elements and limitations of claim 16.

“Official Notice” is taken that both the concept and the advantages of “wherein the master database includes a plurality of segments including an email look up segment

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that includes a listing of a plurality of consumer electronic mail addresses with corresponding unique identifiers. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means *“to identify the audience and tailor the advertising to that audience.”* (See Capiel (col. 1, ll. 22-24)).

As per claim 17, Capiel shows the method of claim 15. (See the rejection of claim 15 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 17.

Capiel lacks an explicit recitation of the elements and limitations of claim 17.

“Official Notice” is taken that both the concept and the advantages of “wherein the master database includes a consumer information segment that contains consumer related information. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means *“to identify the audience and tailor the advertising to that audience.”* (See Capiel (col. 1, ll. 22-24)).

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As per claim 18, Capiel shows the method of claim 15. (See the rejection of claim 15 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 18.

Capiel lacks an explicit recitation of the elements and limitations of claim 18.

“Official Notice” is taken that both the concept and the advantages of “wherein the master database includes a promotional material segment that includes information regarding promotional materials. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 19, Capiel shows the method of claim 15. (See the rejection of claim 15 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 19.

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Capiel lacks an explicit recitation of the elements and limitations of claim 19.

“Official Notice” is taken that both the concept and the advantages of “wherein the master database includes a purchasing segment that includes information regarding purchases made by the consumers. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means *“to identify the audience and tailor the advertising to that audience.”* (See Capiel (col. 1, ll. 22-24)).

As per claim 20, Capiel shows the method of claim 15. (See the rejection of claim 15 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 20.

Capiel lacks an explicit recitation of the elements and limitations of claim 20.

“Official Notice” is taken that both the concept and the advantages of “wherein the master database includes a URL segment that includes a plurality of URLs with corresponding keywords and plurality of keycodes associated with the keywords. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means *“to identify the audience and tailor the advertising to that audience.”* (See Capiel (col. 1, ll. 22-24)).

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As per claim 21, Capiel shows the method of claim 15. (See the rejection of claim 15 supra).

Capiel (col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 21.

Capiel lacks an explicit recitation of the elements and limitations of claim 21.

“Official Notice” is taken that both the concept and the advantages of “wherein the master database includes a credit card segment that includes consumer credit card number, date and amount of purchase by consumer. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

Claim 22 is rejected for substantially the same reasons as claim 1.

As per claim 23, Capiel shows the method of claim 22. (See the rejection of claim 22 supra).

Capiel (col. 1, ll. 55-60; col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col.

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13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 23.

Capiel lacks an explicit recitation of the “searching the log file for the unique identifier. . . .” elements and limitations of claim 23.

“Official Notice” is taken that both the concept and the advantages of “searching the log file for the unique identifier. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

Claim 24 is rejected for substantially the same reasons as claim 3.

Claim 25 is rejected for substantially the same reasons as claim 4.

Claim 26 is rejected for substantially the same reasons as claim 5.

Claim 27 is rejected for substantially the same reasons as claim 6.

Claim 28 is rejected for substantially the same reasons as claim 7.

Claim 29 is rejected for substantially the same reasons as claim 8.

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Claim 30 is rejected for substantially the same reasons as claim 9.

Claim 31 is rejected for substantially the same reasons as claim 10.

Claim 32 is rejected for substantially the same reasons as claim 11.

Claim 33 is rejected for substantially the same reasons as claim 12.

Claim 34 is rejected for substantially the same reasons as claim 13.

Claim 35 is rejected for substantially the same reasons as claim 14.

Claim 36 is rejected for substantially the same reasons as claim 15.

Claim 37 is rejected for substantially the same reasons as claim 16.

Claim 38 is rejected for substantially the same reasons as claim 17.

Claim 39 is rejected for substantially the same reasons as claim 18.

Claim 40 is rejected for substantially the same reasons as claim 19.

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Claim 41 is rejected for substantially the same reasons as claim 20.

Claim 42 is rejected for substantially the same reasons as claim 21.

Claim 43 is rejected for substantially the same reasons as claim 21.

Claim 44 is rejected for substantially the same reasons as claim 21.

As per claim 45, Capiel (col. 1, ll. 55-60; col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 45.

Capiel lacks an explicit recitation of the “logging the unique identifier in one or more log files in association with information that defines consumer activity within said one or more web sites, independent form any consumer profile information previously stored on the client computer by any servers. . . .”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Capiel (col. 1, ll. 55-60; col. 12, ll. 9-43) would have been selected in accordance with “logging the unique identifier in one or more log files in association with information that defines consumer activity within said one or more web sites, independent form any consumer profile information previously stored on the client

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computer by any servers. . . .” because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 46, Capiel shows the method of claim 45. (See the rejection of claim 45 supra).

Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 46.

Capiel lacks an explicit recitation of the elements and limitations of claim 46.

“Official Notice” is taken that both the concept and the advantages of “Extracting the information that defines consumer activity based on its association with the unique identifier to track consumer movement. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 47, Capiel shows the method of claim 45. (See the rejection of claim 45 supra).

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Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 47.

Capiel lacks an explicit recitation of the “identifying connection or environment specific information related to the established connection between the consumer’s computer and the one or more web sites, wherein the connection specific information is automatically logged in correspondence with the information that defines consumer activity. . . .” elements and limitations of claim 47.

“Official Notice” is taken that both the concept and the advantages of “identifying connection or environment specific information related to the established connection between the consumer’s computer and the one or more web sites, wherein the connection specific information is automatically logged in correspondence with the information that defines consumer activity. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 48, Capiel shows the method of claim 47. (See the rejection of claim 47 supra).

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Capiel (col. 1, ll. 55-60; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 48.

Capiel lacks an explicit recitation of “wherein the connection or environment specific information relates to IP address[sic] of the consumer’s computer. . . .”

“Official Notice” is taken that both the concept and the advantages of “wherein the connection or environment specific information relates to IP address[sic] of the consumer’s computer. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

Claim 49 is rejected for substantially the same reasons as claim 7.

As per claim 50, Capiel shows the method of claim 47. (See the rejection of claim 47 supra).

Capiel (col. 1, ll. 55-60; col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 50.

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Capiel lacks an explicit recitation of the elements and limitations of claim 50.

“Official Notice” is taken that both the concept and the advantages of “wherein the unique identifier relates to electronic mail address[sic] of the consumer. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

As per claim 51, Capiel shows the method of claim 47. (See the rejection of claim 47 supra).

Capiel (col. 1, ll. 55-60; col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 51.

Capiel lacks an explicit recitation of the elements and limitations of claim 51.

“Official Notice” is taken that both the concept and the advantages of “wherein the connection or environment specific information relates to an operating system executing on the consumer’s computer. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

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As per claim 52, Capiel (col. 1, ll. 55-60; col. 12, ll. 9-43; col. 4, ll. 52-67; col. 5, ll. 38-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25; col. 11, ll. 4-67; col. 12, ll. 1-67; col. 13, ll. 1-25; FIG. 3A; FIG. 4; FIG. 5A; and FIG. 7) shows elements that suggest the elements and limitations of claim 52.

Capiel lacks an explicit recitation of the “IP address is recorded in a log file in association with the unique identifier. . . .” elements and limitations of claim 52.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Capiel (col. 1, ll. 55-60; col. 12, ll. 9-43) would have been selected in accordance with “wherein the IP address is recorded in a log file in association with the unique identifier. . . .” because such concepts and advantages would have provided means “*to identify the audience and tailor the advertising to that audience.*” (See Capiel (col. 1, ll. 22-24)).

RESPONSE TO ARGUMENTS

7. Applicant's arguments filed 8/19/2002, paper#19 have been fully considered but they are not persuasive for the following reasons: Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection.

RELEVANT PRIOR ART

8. The prior art references made of record and not relied upon are considered pertinent to applicant's disclosure:

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U.S. Patent Documents

6,065,048, U.S. Pat. [May 16, 2000] Highley, 709/206
“METHOD AND SYSTEM FOR REMOTELY SENSING THE FILE
FORMATS PROCESSED BY AN E-MAIL CLIENT.” This references

discusses “embedding a unique identifier within a web site address.” Ref.
claims 1-52.

5,864,871, U.S. Pat. [Jan. 26, 1999] Kitain et al., 707/104.1
“INFORMATION DELIVERY SYSTEM AND METHOD INCLUDING
ON-LINE ENTITLEMENTS.” This references discusses embedding
unique identifiers in e-mail addresses. Ref. claims 1-52.

CONCLUSION

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE)
or (703) 746-7239 (for formal communications marked AFTER-FINAL) or
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

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Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

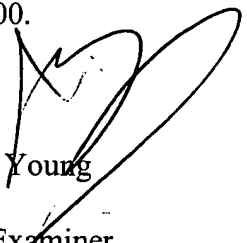
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2451 Crystal Drive

Arlington, Virginia.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Patent Examiner

November 25, 2002